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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/154,431	09/16/1998	FRANCOIS MENARD	GGD-101	6969

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EXAMINER	
DUONG, DUC T	

ART UNIT	PAPER NUMBER
2663	30

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/154,431	MENARD ET AL.	
	Examiner	Art Unit	
	Duc Duong	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-21 and 23-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-21 and 23-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15)☒ Notice of References Cited (PTO-892)
16)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18)☐ Interview Summary (PTO-413) Paper No(s). _____ .
19)☐ Notice of Informal Patent Application (PTO-152)
20)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 12-13, 19-21, and 26-28, and are rejected under 35 U.S.C. 103(a) as being unpatentable over Baratz et al (U.S. Patent 5,742,596) in view of Storch et al (U.S. Patent 6,307,853).

Regarding to claims 1, 13, 19, 21, 27, and 28, Baratz discloses a telephone to packet adapter 41 (Fig. 1) for routing an outgoing call issued by a telephone set in a user's home, said adapter comprising a telephone line interface 48 configured to be connected to a user's home telephone line (Fig. 1 col. 4 lines 13-15); a telephone interface 174 configured to be connected to the telephone set (Fig. 1 col. 4 lines 36-39); a packet network interface 43 configured to be connected to a packet network 37 (Fig. 1 col. 4 lines 26-37); and a controller circuit 112 interconnecting said telephone line interface, said telephone interface and said packet network interface (Fig. 4 col. 9 lines 27-32); said controller circuit being so configured as to route said outgoing call to one of said telephone line and said packet network interfaces (Fig. 4 col. 8 lines 36-41).

Baratz fails to teach for routing an outgoing call based on at least one pre-established routing rule that such a) said outgoing call is routed to said telephone line interface when a dialed telephone number is a local call and b) said outgoing

call is routed to said packet network interface when the dialed telephone number is not a local call (claim 21); at least one pre-established routing rule is such that a) one of said telephone line interface and said LAN interface is routed to said telephone line interface when a dialed telephone number is a local call and b) one of said telephone line interface and said LAN interface is routed to said LAN interface when a dialed telephone number is not a local call (claims 13, 27, and 28).

However, Storch discloses a routing of call, wherein depending on the telephone number dialed, local calls may be routed directly to the PSTN (telephone line interface), while long distance calls are routed to the WAN (packet network interface and LAN interface), see Fig. 3 col. 7 lines 1-3.

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include the routing of call as taught by Storch in Baratz's system for cost saving of real-time communications.

Regarding to claims 2 and 20, Baratz discloses packet network interface is a Local Area Network interface 43 connecting to a packet network (Fig. 1 col. 4 lines 26-34).

Regarding to claim 3, it is well known in the art a gateway is employed to connect a LAN interface to a packet network.

Regarding to claims 4 and 12, Baratz discloses the controller circuit 174 includes software for control of call routing (Fig. 1 col. 4 lines 39-43).

Regarding to claims 11 and 26, Baratz discloses a telephone to packet adapter 41 (Fig. 1) comprising a telephone line interface 48 configured to be

connected to a user's home telephone line (Fig. 1 col. 4 lines 13-15); a telephone interface 174 configured to be connected to a telephone set (Fig. 1 col. 4 lines 36-39); a Local Area Network interface 43 configured to be connected to a Local Area Network 37 (Fig. 1 col. 4 lines 26-37); a packet network interface 43 configured to be connected to a packet network 37 (noted the NIC 43 read on both the packet and LAN interface); and a controller circuit 112 interconnecting said telephone line interface, said telephone interface, said Local Area Network interface and said packet network interface (Fig. 4 col. 9 lines 27-32); said controller circuit being so configured as to either a) route said telephone interface to one of said telephone line and said packet network interfaces and b) route said Local Area Network interface to one of said telephone line and said packet network interfaces (Fig. 4 col. 8 lines 36-41).

Baratz fails to teach for routing of call depending on at least one pre-established routing rule.

However, Storch discloses a routing of call, wherein depending on the telephone number dialed, local calls may be routed directly to the PSTN (telephone line interface), while long distance calls are routed to the WAN (packet network interface and LAN interface), see Fig. 3 col. 7 lines 1-3.

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include the routing of call as taught by Storch in Baratz's system for cost saving of real-time communications.

3. Claims 6-10, 14-18, 23-25, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baratz and Storch, further in view of Kubler et al (U.S. Patent 5,726,984).

Regarding to claims 6, 8, 9, 14, 16, 17, 23, 25, 29, and 31, Baratz discloses a telephone to packet adapter 41 (Fig. 1) for routing an outgoing call issued by a telephone set in a user's home, said adapter comprising a telephone line interface 48 configured to be connected to a user's home telephone line (Fig. 1 col. 4 lines 13-15); a telephone interface 174 configured to be connected to the telephone set (Fig. 1 col. 4 lines 36-39); a packet network interface 37 configured to be connected to a packet network 37 (Fig. 1 col. 4 lines 26-37); and a controller circuit 112 interconnecting said telephone line interface, said telephone interface and said packet network interface (Fig. 4 col. 9 lines 27-32); said controller circuit being so configured as to route said outgoing call to one of said telephone line and said packet network interfaces depending on at least one pre-established routing rule (Fig. 4 col. 8 lines 36-41). Storch discloses a routing of call, wherein depending on the telephone number dialed, local calls may be routed directly to the PSTN (telephone line interface), while long distance calls are routed to the WAN (packet network interface), see Fig. 3 col. 7 lines 1-3.

Baratz and Storch fails to teach for at least one pre-established routing rule is such that said outgoing call is routed to said telephone line interface when no packet network address corresponding to a dialed telephone number exist (claims 6 and 14); at least one pre-established routing rule is such that a) said outgoing call is routed to said telephone line interface when a dialed telephone

number is not present in said telephone number database and b) said outgoing call is routed to said packet network interface or LAN interface when the dialed telephone number is listed in said telephone number database (claims 8, 16, 25, and 31); and at least one pre-established routing rule is such that said outgoing call is routed to said telephone line interface when said packet network is inactive (claims 9, 17, 23, and 29).

However, Kubler teaches for a routing rule, wherein upon detecting the dialed number using the internet network is not in a cross-reference database (col. 101 lines 56-63), a conventional telephone switching network is use route the dialed number (col. 102 lines 4-8). The dialed number not in the database is interpret as the dialed number not exist of claims 6 and 14 and the packet network is inactive of claims 9, 17, 23, and 29.

Thus, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to include the routing rule as taught by Kubler in Baratz and Storch's system with the motivation to provide alternative connection for when packet network is not available.

Regarding to claims 7, 15, 24, and 30, Baratz and Storch fail to teach for a pre-established routing rule, wherein the call is routed to the telephone line interface when it is an emergency number. It is well known in the art to routed emergency call over telephone line interface than over packet interface or LAN interface since the telephone line interface is known to be more reliable (i.e. call will not be drop) than packet interface or LAN interface.

Regarding to claims 10 and 18, Baratz discloses a speech encoder/decoder to encode and decode data (Fig. 4 col. 9 lines 22-26).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-F (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

DD
November 4, 2003

STEVEN H.D NGUYEN
PRIMARY EXAMINER